



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

May 5, 1949.

Hon. G. C. Morris, Chairman
Joint Legislative Advisory Committee
Austin, Texas

Opinion No. V-825.

Re: The necessity for each vocational teacher to meet the standards of the State Board of Vocational Education to qualify for compensation under the salary aid law.

Dear Senator:

We quote from your recent letter as follows:

"The Joint Legislative Committee has had under consideration Attorney General's Opinion No. V-674, dealing with the status of Vocational Agriculture, Vocational Home Economics and Trades and Industry teachers. We believe that we are in complete agreement with this opinion except one point which needs clarification in our minds. In view of this fact, I am submitting to you this additional question with reference to said opinion. In order for a Vocational Home Economics teacher to qualify for compensation for a twelve months period, is it necessary that each individual teacher meet the standards and requirements set out by the State Board of Vocational Education?"

By statute, the Department of Education is empowered to issue "certificates authorizing the holders to teach the special subjects of agriculture, domestic art . . . industrial training" where the teacher has met the requirements thereof. Art. 2889, V.C.S., paragraphs 4, 5, 6, 8 and 9. Under this law any person desiring to

Hon. G. C. Morris, Page 2 (V-825)

teach any of the designated special subjects in the Texas public free school system must hold a teacher certificate issued by the Department of Education before he may contract to teach his special subject.

Under H. B. 239, Acts 1923, quoted in Opinion V-674, wherein the State under the Federal Smith-Hughes Act authorized its public schools to secure the benefits of Federal appropriations for vocational education by compliance with standards and qualifications in a state plan bearing the approval of the State Board for Vocational Education, a person desiring to teach vocational subjects in Texas public schools which receive benefits under the Smith-Hughes law must acquire an additional certificate, commonly known as the Smith Hughes certificate. Such a certificate shows that he has met the qualifications and standards prescribed for a vocational teacher covered in the aforementioned plan. Sec. 5, H. B. 239.

Consonant with such laws, we find in accreditation standards and regulations of the Department of Education, Bulletin 476, cited in V-674, and in its latest Bulletin 491, the following:

"A certificate of Approval for Homemaking Education issued by the Homemaking Department, State Board for Vocational Education, Austin, Texas, is required if the school expects to receive reimbursement from vocational funds." (Underscoring ours.)

The provisions in H. B. 295, Acts 1947, dealing with the salary of vocational home economics teachers do not conflict with these laws governing their certification. In the first paragraph of Section 2 of Article III, H. B. 295, we read:

"The base pay for . . . Vocational Home Economics . . . teachers shall be One Hundred and Twenty-four Dollars (\$124.00) per month for twelve (12) months in both accredited and unaccredited schools." (Emphasis ours.)

In the last paragraph of same Section 2, we find:

Hon. G. C. Morris, Page 3 (V-825)

"The annual salary of . . . Vocational Home Economics teachers . . . may be the monthly salary as determined by schedule stated herein multiplied by twelve (12) . . . Salaries of . . . vocational teachers may begin on July first rather than September first."

This office in its Opinion V-674 advised that the vocational teacher provisions in H. B. 295 are not limited to vocational teachers who are realizing reimbursements or benefits under the Federal Smith-Hughes Act, but that same applies also to vocational teachers who are paid wholly from State and local funds.

Based on the statutes considered and the conclusions reached in V-674, it is our opinion that a vocational home economics teacher teaching in a school receiving aid under the Smith-Hughes Act, to qualify for compensation for a twelve month's period, must meet the standards and requirements set out by the State Board for Vocational Education. Sec. 3 of H. B. 542, Acts 1947, 50th Legislature.

However, as to a vocational home economics teacher teaching in a school not an applicant for aid under the Smith-Hughes Act but who is actually engaged in teaching this work twelve months, the laws do not require that such teacher meet the standards and requirements set out by the State Board for Vocational Education. Art. 2889, V.C.S.; Sec. 2 of Art. III, H. B. 295, Acts 1947; Opinion V-674. However, in connection with this matter, we quote from V-674 as follows:

"Further, we are advised that those schools desiring to offer vocation courses but not desiring to apply for the benefits under the Federal subsidized program are advised by the Department of Education to employ only such vocational teachers as have been certified by the State Board of Vocational Education as meeting the standards and qualifications required of teachers functioning under the Federal subsidized vocational program.

Hon. G. C. Morris, Page 4 (V-825)

"Department of Educational Bulletin No. 476, 1946-47, pages 99 to 105 inclusive, wherein are published departmental rules and regulations governing accreditation of the public free schools of Texas, reveals that vocational programs offered in said schools to be recognized for accreditation or affiliation purposes should be organized in accordance with requirements of the State plans for vocational education and merit the approval of the State Board for Vocational Education.

"These rules evidence a cooperation intent on the part of the Department of Education to require a vocational educational program in Texas which meets the test of the State Plan approved by the State Board and the Federal Government."

What we have said applies only to contracts entered prior to enactment of Senate Bill 19, 51st Legislature, which contains an amendment to Section 2 of Article III of H. B. 295, 50th Legislature, changing the present law as to base pay for vocational teachers by adding the following words: "provided the proposed plan for such twelve (12) months' programs have been approved individually and in advance by the State Board for Vocational Education," etc. In Opinion V-784, we advised that this change in teacher salary schedules cannot be given a retroactive effect in such a manner as to destroy any presently existing contractual rights of the teachers concerned, but it will of course apply to future contracts. Sec. 16 of Art. I, Tex. Const.; Federal Crude Oil Co. v. Yount-Lee Oil Co., 122 Tex. 21, 52 S.W.2d 56 (1932); A. G. Opinion V-674.

SUMMARY

A vocational home economics teacher teaching in a school not receiving aid under the Smith-Hughes Act, who is actually engaged in teaching this work twelve months, is not required to meet the standards and requirements set out by the State Board for

Hon. G. C. Morris, Page 5 (V-825)

Vocational Education. Art. 2889, V.C.S.;
Sec. 2 of Art. I of H. B. 295, Acts 1947;
A. G. Opinion V-674.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By *Chester E. Ollison*

Chester E. Ollison
Assistant

CEO:bh

APPROVED

Price Daniel
ATTORNEY GENERAL